

**ORDINANCE NO. 28474**

**AN ORDINANCE OF THE CITY OF SAN JOSE REPEALING  
ORDINANCE NO. 24899 AND ORDINANCE NO. 25658 WHICH  
ESTABLISHED THE PROCEDURES AND TRANSPORTATION  
METHODOLOGY FOR TRANSPORTATION ANALYSIS IN THE  
EVERGREEN DEVELOPMENT POLICY AREA**

**WHEREAS**, on May 9, 1995, the San José City Council (“City Council”) approved Ordinance No. 24899 establishing the procedures and methodology for transportation analysis in the Evergreen Development Policy Area; and

**WHEREAS**, on August 18, 1998, the City Council approved Ordinance No. 25658 which modified the procedure and methodology for transportation analysis in the Evergreen Development Policy Area; and

**WHEREAS**, the City Council desires to repeal both Ordinance No. 24899 and Ordinance No. 25658 because they are no longer necessary with the adoption of the updated Evergreen-East Hills Development Policy on December 16, 2008 (EEHDP), and the adoption of a new Evergreen-East Hills Traffic Impact Fee on December 16, 2008; and

**WHEREAS**, the City Council certified an environmental impact report pursuant to the California Environmental Quality Act on December 12, 2006, by Resolution No. 73570, for the Revision to the Evergreen Development Policy (“FEIR”); and

**WHEREAS**, the City has prepared a Supplement to the FEIR, including related traffic impact analysis, pursuant to the California Environmental Quality Act, for the limited development and related traffic impacts thereof of the EEHDP project (“SEIR”), which SEIR specifies improvements to mitigate in part those traffic impacts identified in the SEIR; and

**WHEREAS**, the potential environmental impacts related to the proposed EEHDP were analyzed in the SEIR (PP08-121) entitled "Revision of the Evergreen Development Policy (EEHDP) (PP08-121)," and were considered along with the FEIR by the City Council on December 16, 2008;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** Ordinance No. 24899 and Ordinance No. 25658 are hereby repealed.

**SECTION 2.** This ordinance shall take effect on March 15, 2009.

PASSED FOR PUBLICATION of title this 16<sup>th</sup> day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,  
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS,  
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk